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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/732,066

12/07/2000

Craig Skinner

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06/13/2006

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EXAMINER

TRAN, ELLEN C

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,066

Applicant(s)

SKINNER ET AL.

Examiner

Ellen C. Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: filed on 1 March 2006 with acknowledgement of an original application filed on 7 December 2000.
2. Claims 1-24 are currently pending in this application. Claims 1, 11, and 15 are independent claims. Claims 1-11 and 13-24 have been amended. Amendment to the claims is accepted.

Response to Arguments

3. Applicant's arguments filed 1 March 2006 have been fully considered but they are not persuasive. In addition the previous rejection has been amended to compensate for the amended claims.

In response to applicant's argument beginning on page 7, "Notably, applicants have amended claim 1 to recite that the carrier is a telecommunications carrier. Without incorporating a specific limitation into the claim 1, Applicants note that an example carrier discussed in the specification is BellSouth. Page 16, line 23. Now, in contrast to the step of receiving a command to initiate a network activation procedures with a selected telecommunications carrier, Stewart in each instance cited by the Examiner including column 8, lines 35-67, Stewart is discussing data network providers such as Wayport, Mobilestar and Softnet. Col. 7, lines 6-7. None of these are telecommunication networks. The Stewart reference is replete with discussion of wireless "access point" and discussion of wireless standards such as IEEE 802.11 for communicating data between the portable device and the data network. The fact that Stewart's access ports are for data networks and not telecommunication networks is further supported by the references Stewart does make to phone systems. For example, in column 5, lines 25-28 ...

Applicants submit that Stewart fails to teach a method of handling network activation between a computer and a telecommunications carrier”. The Office disagrees with argument as is described in Stewart and is known in the art telecommunication carriers have the same meaning as RF or network providers of portable devices such as cell phones. The background of the invention describes a network infrastructure to support multiple network providers utilizing the 802.11 IEEE standard. The very title of the IEEE standard is “Telecommunication exchange between systems ...”. The applicant’s is trying argue around the art by utilizing obvious word substitutions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. U.S. Patent No. 6,732,176 (hereinafter ‘176).

As to independent claim 1, “A method in a computer of handling network activation, the method comprising:” is taught in ‘176 col. 7, lines 46-59;
the following is not explicitly taught in ‘176:

“receiving a at a plug-in device a command from a driver to initiate network activation procedures with a selected telecommunications carrier” is shown in ‘176 col. 5,

lines 55-67 (note '176 does not explicitly teach "telecommunication provider" but in the portion of '176 it shows that each user has selected a network provider);

"wherein said driver is generic to various telecommunications carriers" is disclosed in '176 col. 6, lines 15-67 (note '176 does not explicitly teach various telecommunication carriers but this interpreted to be equivalent to the various communications described, i.e. RF of 2.4 GHz)

"and said plug-in device includes components that are tailored to said selected telecommunications carrier" is taught in '176 col. 6, lines 15-28;

"determining at the plug-in device a network activation status of the computer; sending, by the plug-in device, a request to a device having network telecommunications carrier activation information; receiving, at the plug-in device, the network telecommunications carrier activation information from the device" is shown in '176 col. 2, lines 21-59;

"and configuring the computer with the network telecommunications carrier activation information in order to establish network activation with the telecommunications carrier" is shown in '176 col. 10, lines 16-24.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a distributed network communication system as taught in '264 to include a means to select a telecommunications carrier. One of ordinary skill in the art would have been motivated to perform such a modification because when two or more service providers install a wireless network infrastructure in a single location the providers may begin to oversubscribe the RF domain (see '176 col. 1, lines 54 et seq.). "However, due to the problems associated with

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multiple wireless infrastructures installed in a common area, it may be desirable to provide a single wireless (or wireless and wired) infrastructure which may be used by two or more different network service providers ... It would further be desirable to provide a distributed wireless network system which can selectively provide different access level to user of the system”.

As to dependent claim 2, “wherein the received command includes a launch code to initiate a particular network telecommunications carrier activation procedure” is disclosed in ‘176 col. 8, lines 44-67.

As to dependent claim 3, “wherein the device having network telecommunications carrier activation information is a single in-line memory module (SIMM) card configured to be compatible with the telecommunications carrier” is taught in ‘176 col. 6, lines 45-67.

As to dependent claim 4, “wherein the step of determining a network telecommunications carrier activation status comprises determining if the computer has a current single in-line memory module (SIMM) card that is compatible with the telecommunications carrier” is shown in ‘176 col. 7, lines 24-54 and col. 8, lines 50-58.

As to dependent claim 5, “wherein the step of determining a network telecommunications carrier activation status further comprises: determining if the computer was previously network activated with a previous single in-line memory module (SIMM) card; and determining if the previous SIMM card is the current SIMM card” is disclosed in ‘176 col. 10, lines 37-52 and col. 11, lines 54-65.

As to dependent claim 6, “wherein the step of determining a network telecommunications carrier activation status comprises: receiving an activation security key from a user of the computer; and determining if the activation security key is valid for the telecommunications carrier” is taught in ‘176 col. 11, lines 54-65.

As to dependent claim 7, “wherein the device having the network telecommunications carrier activation information” is shown in col. 8, lines 35-43;

“is a server of the telecommunications carrier ” is disclosed in col. 8, lines 9-14.

As to dependent claim 8, “wherein the step: sending and receiving are carried out in a protocol specific to the telecommunications carrier” is taught in col. 7, lines 24-34.

As to dependent claim 9, “wherein the network telecommunications carrier activation information that is received includes an access number that allows the computer to access network services of the telecommunications carrier” is shown in col. 2, lines 31-41.

As to dependent claim 10, “wherein the step of configuring the computer comprises” is disclosed in ‘176 col. 11, line 66 through col. 12, line 10

“storing an access number that allows the computer to access network services of the telecommunications carrier” is shown in ‘176 col. 12, lines 64-67.

As to independent claim 11, “A plug-in device configured to be operable in a generic activation framework” is taught in ‘176 col. 6, line 45-59;

“the plug-in device comprising: an application program interface (API) tailored to a particular telecommunications carrier, wherein the API is configured to receive a network telecommunications carrier activation command from a generic driver device in a

computer that is generic to various telecommunications carriers” is shown in ‘176 col. 8, lines 35-67.

As to dependent claim 12, this claim is substantially similar to claim 2 above and is rejected along the same rationale.

As to dependent claim 13, this claim is substantially similar to claim 6 above and is rejected along the same rationale.

As to dependent claim 14, this claim is substantially similar to claim 4 above and is rejected along the same rationale.

As to independent claim 15, this claim is directed to the computer-readable medium of the method of claim 1 and is rejected along the same rationale.

As to dependent claims 16-24, these claims are substantially similar to claims 2-10 above and are rejected along the same rationale.

Conclusion

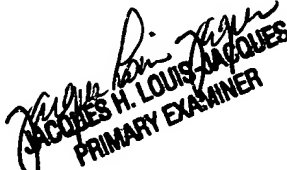
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECT
Ellen Tran
Patent Examiner
Technology Center 2134
7 June 2006


JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER